

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

2012 AUG 15 AM 11:31

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HENRY SEGOVIA, PRO SE,  
TDCJ-CID No. 1521248,

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Plaintiff,

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§

§

v. § 2:11-CV-0112

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Sgt. ELIJOH R. SANCHEZ ET AL.,

§

§

Defendants.

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**ORDER OF DISMISSAL**

Plaintiff HENRY SEGOVIA, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the Texas Department of Criminal Justice and ten individuals employed by the Texas Department of Criminal Justice and has been granted permission to proceed *in forma pauperis*.

On July 31, 2012, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's complaint and recommending dismissal without prejudice pursuant to Rule 12(b)(1), Federal Rules of Civil Procedure, and with prejudice as frivolous.

Plaintiff filed his Objections on August 13, 2012. At the conclusion of the Report and Recommendation, plaintiff was instructed he could utilize the response period to file an Amended Complaint to cure the pleading defects set forth in the Report and Recommendation. Plaintiff elected not to do so, relying instead, on his Objections.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the objections filed by the plaintiff.

The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by HENRY SEGOVIA is DISMISSED WITHOUT PREJUDICE PURSUANT TO RULE 12(b)(1), FEDERAL RULES OF CIVIL PROCEDURE, and WITH PREJUDICE AS FRIVOLOUS.

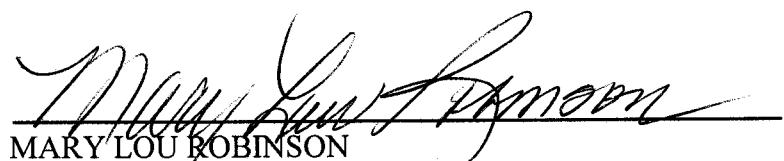
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 15<sup>th</sup> day of August, 2012.

  
MARY LOU ROBINSON  
United States District Judge